

REMARKS/ARGUMENTS

The claims have been divided into Groups as follows:

Group I: Claims 11-14

Group II: Claims 17-20

Group III: Claims 21-24

Group IV: Claims 25-28

Applicants elect, with traverse, Group II, Claims 17-20, for examination.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). The burden is on the Examiner to provide reasons and/or examples to support any conclusion in regard to patentable distinction (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with each other group specifically describing special technical features in each group (MPEP § 1893.03(d)).

The Office has asserted that Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, they lack the same or corresponding special technical features. The Office has indicated that the claimed invention is not novel over GB 1,537,436 (Office Communication dated November 18, 2009, page 3, paragraph 2).

Applicants respectfully note that the above-identified application have been previously examined on the merits twice. Further, Applicants have argued that the invention is not obvious over GB 1,537,436 previously. The MPEP § 811 states:

“Before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required.”

Application No. 10/580,025

Reply to Restriction Requirement of November 18, 2009

Applicants respectfully submit that since the subject matter of the present application has already been searched and examined, a serious burden is not created by the new claims.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction.

Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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